

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Michael McKitis, et al  
Plaintiff

\*

by

v.

Case No. S-98-3027

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Frank DeFazio, et al  
Defendant

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ORDER ALLOCATING THE PAYMENT OF EXPERT WITNESS FEES AND  
ORDER OF JUDGMENT

The jury having returned a verdict in favor of the Plaintiffs, Michael McKitis, and Joan McKitis against Defendant, Frank DeFazio, it is this 15<sup>th</sup> day of December, 2000

**ORDERED,**

1. Pursuant to Federal R. Evid. 706(b) the compensation to be paid to Dr. Hamilton shall be allocated as follows: 60% to be paid by the Plaintiffs and 40% to be paid by the defendants, in equal shares. Payment will be made within 30 days of notice to the parties of the amount of Dr. Hamilton's bill for his services.

2. Judgment is entered in favor of Plaintiff Joan McKitis, against Defendant, Frank DeFazio, for past loss of earnings in the amount of \$327,825.00 (Three hundred twenty seven thousand, eight hundred twenty five dollars); for loss of future earnings capacity in the amount of \$797,775.00(Seven hundred ninety-seven thousand, seven hundred seventy-five dollars); for past medical expenses in the amount of \$70,625.47(Seventy thousand, six hundred twenty-five dollars and forty-seven cents); for future medical expenses in the amount of \$154,298.00(One hundred fifty four thousand, two hundred ninety eight dollars); for Non-economic damages sustained in the past

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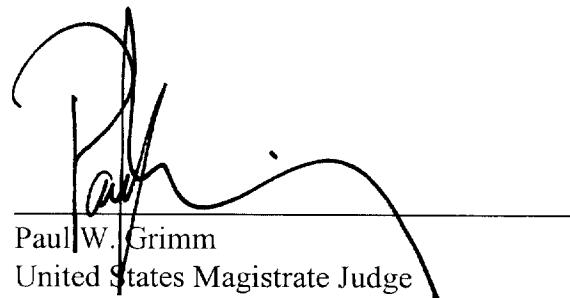
*Def. 18/12/00*

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and reasonably probable to be sustained in the future in the amount of \$250,000.00(Two hundred fifty thousand dollars);and to Plaintiffs Joan and Michael McKitis for loss of consortium in the amount of \$50,000.00(Fifty thousand dollars); for a total verdict for Joan McKitis of \$1,600,523.47(One million six hundred thousand, five hundred twenty three dollars and forty seven cents; and a total verdict for Michael and Joan McKitis of \$50,000.00(Fifty thousand dollars) with costs; and

3. Defendant DeFazio's cross claim against defendant Mullings and Third Party claim against Defendant Encarnacion are dismissed; and Defendant Mullings claim against Defendants DeFazio and Encarnacion are dismissed. Further, the Plaintiffs claims against Defendants Mullings and Encarnacion are dismissed

4. Any and all prior rulings made by the Court disposing of any claims against any parties are incorporated by reference herein, and this Order shall be deemed to be a final judgment within the meaning of Fed. R. Civ. P. 58.



Paul W. Grimm  
United States Magistrate Judge